

REMARKS

Claims 1-17, 28 and 29 were acted upon in the aforesaid Office Action. Claims 18-27 have been withdrawn. No claims have been canceled and new claims 30 and 31 have been added, leaving claims 1-17 and 28-31 for consideration.

Claim 1 stands rejected under 35 U.S.C. 102(b) as anticipated by Northrop III. Northrop relates to an annuloplasty band including a series of rigid or semi-rigid support segments (10) which may be covered with a stabilizing material (70) which may be a layer of suitable fabric or a layer of tissue, including pericardium.

Claim 1 has been amended to limit the defined annuloplasty band to an elongated substantially solid body of overlaid layers of graft tissue, the band of graft tissue being configured to be sutured to a valvular annulus.

In Northrop, the graft tissue is merely a cover for the interconnected support segments. The Northrop device does not appear to comprise "an elongated substantially solid body of overlaid layers of graft material."

Claim 1 stands further rejected under 35 U.S.C. 103(a) as unpatentable over Campbell in view of Northrop. As noted by Examiner, Campbell lacks the disclosure of using tissue in his annuloplasty band.

Inasmuch as neither Northrop nor Campbell show the matter of amended claim 1, quoted hereinabove, it follows that the two

references in combination fail to suggest the claimed "substantially solid body of overlaid layers of graft tissue". In view thereof, it is believed that claim 1 stands well clear of being anticipated by Northrop, and also well beyond the teachings or suggestions of Northrop and Campbell in combination. It therefore appears that claim 1 is now in condition for allowance, which is respectfully requested.

Claims 2-10 depend directly or ultimately from claim 1 and would appear to be allowable, at least through dependency.

Claim 11 stands rejected under 35 U.S.C. 103(a) as unpatentable over Campbell in view of Northrop and further in view of Loch. Claim 11 depends ultimately from claim 1 and would therefore appear to be allowable over Northrop and Campbell through dependency.

Loch lacks the teaching of an elongated substantially solid body of overlaid layers of graft tissue. Accordingly, Loch fails to fill the gaps left by Northrop and Campbell, and it appears that claim 11 should be deemed allowable.

Claims 12-16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Campbell in view of Northrop. Claims 12-16 depend ultimately from claim 1 and would appear to be allowable, at least through dependency.

Claim 17 has been rejected under 35 U.S.C. 103(a) as unpatentable over Campbell in view of Northrop, and further in view of Sherman.

Claim 17 depends ultimately from claim 1 and would appear to be allowable over Campbell and Northrop, at least through dependency. Sherman adds to the mix only purse string sutures and would not appear, in combination with Campbell and Northrop, to teach or suggest the full content of dependent claim 17. It therefore appears that claim 17 should be deemed allowable.

Claims 18-27 stand withdrawn.

Claim 28 has been rejected on the same grounds as claim 11 and would appear to be allowable on the same grounds as set forth above relative to claim 11.

Claim 29 has been rejected on the same grounds as claim 1. Claim 29 has been amended to depend from claim 1 and would appear to be allowable through dependency. In addition, claim 29 limits the overlaid layers of graft tissue to graft tissue rolled upon itself, which does not appear to be present in the references. Accordingly, allowance of claim 29 would appear to be in order and is respectfully requested.

New claims 30 and 31 relate to particular features of an external mesh support structure, and would appear to be allowable through their own content, as well as through dependency.

In summary, allowance of claims 1-17 and 28-31 is most respectfully requested.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Respectfully submitted,



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